

REMARKS/ARGUMENTS

The final Office Action of June 27, 2007 has been reviewed and these remarks are responsive thereto. Applicant notes that the undersigned is new counsel of record pursuant to the Power of Attorney filed August 30, 2007. Claims 1, 7, 9, 15, 17, and 23 have been amended, claims 3, 11, and 19 have been canceled without prejudice or disclaimer, and new claims 25-30 have been added. No new matter has been added. Claims 1, 4-9, 12-17, and 20-30 thus remain pending in this application. Reconsideration and allowance of the instant application are respectfully requested.

Rejections Under 35 U.S.C. § 112

Claims 1, 4-9, 12-17, and 20-24 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Office Action alleges that the pre-amended claim feature “the computing device configured to enable a user to concurrently display any portion of the EPG on the video display,” was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. Applicant respectfully traverses.

Amended claim 1, recites, in part, “display[ing] at least a portion of the EPG on the video display while concurrently displaying at least a portion of the EPG on the second display.” The Office Action argues, after considering paragraphs [0008] and [0033] of the instant specification, that “the specification fails to specifically state that EPG is displayed concurrently on the computing device and the video display.” Although the Applicant does not agree with the Examiner’s conclusion, additional portions of the Applicant’s disclosure are identified below which provide explicit support for the claims as currently amended.

In establishing a disclosure, an applicant may rely not only on the description and drawings as filed, but also on the original claims if their content justifies it. Where subject matter not shown in the drawing or described in the description is claimed in the application as filed, and such original claim itself constitutes a clear disclosure of this subject matter, then the claim should be treated on the merits. MPEP 608.01(I). Furthermore, there is a strong presumption that an adequate written description of the claimed invention is present when the application is filed. MPEP 2163(I)(A). Claim 2 of the application as originally filed states, “wherein the video display

can display a portion of the EPG concurrently displayed on the second display of the computing device.” Claim 10 of the application as originally filed states, “further including: the first video display displaying a portion of the EPG concurrently displayed on the second display of the computing device.” Claim 18 of the application as originally filed states, “the first video display displaying a portion of the EPG concurrently displayed on the second display of the computing device.” Applicant submits that these statements, in conjunction with the remaining portions of the specification, and the figures, provide an adequate written description for “display[ing] at least a portion of the EPG on the video display while concurrently displaying at least a portion of the EPG on the second display,” as recited in claim 1.

Amended independent claims 9 and 17 each recite “causing at least a portion of the EPG to be displayed on the first video display while concurrently displaying at least a portion of the EPG on the second display.” Therefore, for similar reasons to those discussed above regarding claim 1, claims 9 and 17 are adequately described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. Applicant further submits that the instant specification also provides an adequate written description for each of the additional features recited in dependent claims 4-8, 12-16, and 20-24.

Accordingly, Applicant respectfully requests that the rejections under 35 U.S.C. § 112, first paragraph, be reconsidered and withdrawn.

New Claims

Applicants have added new claims 25-30 supported by the specification as originally filed. No new matter has been added. Claims 25-27 recite displaying the “entire EPG” on the video display concurrently while the entire EPG is displayed on the second display. Support for this additional feature can be found, for example, at page 10, line 15 of the specification as originally filed. Claims 28-30 recite transmission of a “signal corresponding to an instruction to display at least a portion of the EPG on the video display concurrently while at least a portion of the EPG is displayed on the second display.” Support for this additional feature can be found, for example, at page 10, line 14 - page 11, line 5 of the specification as originally filed.

CONCLUSION

Based on the foregoing, Applicant respectfully submits that the application is in condition for allowance and a Notice to that effect is earnestly solicited. Should the Examiner believe that anything further is desirable in order to place the application in even better form for allowance, the Examiner is respectfully urged to contact Applicant's undersigned representative at the below-listed number.

Respectfully submitted,
BANNER & WITCOFF, LTD.

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